

Message

From: Kelley, Jeff [kelley.jeff@epa.gov]
Sent: 11/4/2021 12:38:15 PM
To: Gillespie, Taylor [Gillespie.Taylor@epa.gov]; Harris, Michael [harris.michael@epa.gov]
Subject: RE: Benton Harbor newsclips 11/04/21

I just checked ... it's from page 2 of the order

Jeff Kelley
Director, External Communications Office
U.S. EPA Region 5
ph: 312-353-1159

From: Gillespie, Taylor <Gillespie.Taylor@epa.gov>
Sent: Thursday, November 4, 2021 7:38 AM
To: Harris, Michael <harris.michael@epa.gov>
Cc: Kelley, Jeff <kelley.jeff@epa.gov>
Subject: FW: Benton Harbor newsclips 11/04/21

Hi Mike – I wanted to make sure you saw this quote in the Detroit Free Press with your name. You think they pulled this from the order?

The EPA order is part of "a joint enforcement approach to maintain consistency of obligations and a better result," stated Michael D. Harris, director of the agency's Enforcement and Compliance Assurance Division for Region 5, which includes Michigan.

Taylor Gillespie (she/her)
Strategic Communications Coordinator
Environmental Protection Agency
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From: Arcaute, Francisco <Arcaute.Francisco@epa.gov>
Sent: Thursday, November 4, 2021 6:39 AM
To: Rowan, Anne <rowan.anne@epa.gov>; Gillespie, Taylor <Gillespie.Taylor@epa.gov>; Cannon, Phillippa <Cannon.Phillippa@epa.gov>; Singer, Joshua <Singer.Joshua@epa.gov>; Pope, Janet <Pope.Janet@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Walts, Alan <walts.alan@epa.gov>; Russell, Diane <russell.diane@epa.gov>
Subject: Benton Harbor newsclips 11/04/21

Benton Harbor newsclips 11/04/21

<https://www.woodtv.com/news/michigan/whitmer-talks-benton-harbor-response-and-federal-infrastructure-bill/>

Whitmer talks Benton Harbor response and federal infrastructure bill

by: Rachel Van Gilder

Posted: Nov 3, 2021 / 02:31 PM EDT / **Updated:** Nov 3, 2021 / 02:31 PM EDT

GRAND RAPIDS, Mich. (WOOD) — Gov. Gretchen Whitmer says there should be state and nationwide strategies to deal with outdated water infrastructure before it becomes a problem.

“Benton Harbor is a prime example of old infrastructure that we need to rebuild, frankly,” Whitmer said. “And that is not unique to Benton Harbor. It is playing out all across the state of Michigan. We’ve got water infrastructure that is 100 years old in many communities that it’s just a matter of time before there’s some sort of a failure, whether it is a pipe burst or it is old pipes that are leaching. And so it’s important comprehensive solution.”

Benton Harbor residents are drinking bottled water after lead limits in the municipal water system exceeded action levels. The city has declared a state of emergency and Whitmer’s administration says the goal is to replace every lead line in the city in 18 months.

Whitmer said she’s working with federal representatives to support the Benton Harbor response and calling on Congress to include more money for lead remediation in the federal infrastructure bill that has been stalled amid disputes about a larger social spending package.

“It’s my hope the (Congress) gets something done this week or next. Frankly, it should have been done a long time ago, in my humble opinion,” Whitmer said. “Time is of the essence and this is not unique to Michigan or to one community in Michigan. This is a nationwide problem.”

Asked if the state should have done more sooner to help Benton Harbor, Whitmer said “there are lessons to be learned and changes to be made.” She added she thinks there should be a state law requiring affirmative reporting.

<https://www.bridgemi.com/michigan-environment-watch/amid-lead-crisis-epa-orders-benton-harbor-fix-water-quality-violations>

Amid lead crisis, EPA orders Benton Harbor to fix water quality violations

November 2, 2021

Kelly House

Federal environmental regulators have flagged Benton Harbor’s water system for a host of problems, from inadequate water treatment to a failure to adequately notify residents about high lead levels that have plagued the water system for at least three years.

In an order Tuesday, officials with the U.S. Environmental Protection Agency told Benton Harbor it must fix a range of Safe Drinking Water Act “violations and deficiencies” identified during a September inspection.

State regulators, who also put Benton Harbor on notice Tuesday for a host of water system deficiencies, acknowledged that funding shortages are the root cause and pledged to help the city find money to fix the problems.

Among myriad problems raised in the EPA order:

- The city failed to send all required notifications to residents, local public health officials, pediatricians, adult care facilities and other contacts about the high lead levels that began cropping up in water tests in 2018.
- Equipment used to monitor and maintain water quality is failing.
- Water managers can't prove that the system provides "adequate disinfection" to keep water clean.

A separate violation notice from the Michigan Department of Environment, Great Lakes and Energy outlines even more problems, from chemicals and water pooling on the water plant's floor to failing filters at the plant and, at the root of it all, too few staff and too little money to keep the city's aging water system functioning.

The Tuesday notices from both agencies direct Benton Harbor to correct the problems, including an order from EPA for the city to improve its corrosion control to keep lead from leaching out of pipes, and better notify residents of lead threats.

In a statement, EPA Administrator Micheal S. Regan called the federal order "a critical next step to ensure that drinking water is safe and reliable."

"The water infrastructure in Benton Harbor, like many cities across the country, needs upgrades and investments to build resiliency and protect people from lead," Regan said.

The state and federal actions follow a September petition from local activists and environmental groups, who urged federal regulators to get involved in Benton Harbor after three straight years of water tests showed elevated lead levels in some residents' taps.

Activists complained that local and state officials were not moving fast enough to fix the problem, and had not done enough to make sure Benton Harbor residents were aware of the problem and able to access safe water.

In addition to requiring the water system to correct those issues, the EPA order directs Benton Harbor to hire an outside firm to "analyze options for long-term operations and maintenance of the city's water system," including possible consolidation with nearby water systems.

An EPA release said the agency has offered a "compliance advisor" with the expertise to assist the city with making the ordered changes.

Regulators have known for years about many of the issues flagged Tuesday. Following a 2018 inspection, EGLE officials flagged a host of deficiencies at the plant and directed the city to raise water rates to fund fixes.

Maintenance of the water system had been falling behind for years amid a struggle to generate enough revenue from ratepayers in the shrinking, high-poverty city. That imbalance was made worse when neighboring communities broke off of Benton Harbor's water system to get their water elsewhere, leaving fewer customers to split the cost maintaining an old system that had been designed to serve a far bigger population.

A state-appointed emergency manager who formerly ran the city cut costs by firing staff at the treatment plant, something Benton Harbor Mayor Marcus Muhammad blamed as part of the reason for the plant's decline.

Unlike that past approach, regulators are now acknowledging that Benton Harbor needs financial help to fix the problems.

EGLE Director Liesl Clark noted that the orders aren't meant to be "punitive," but rather "a transparent way of identifying the pressing needs of the Benton Harbor community so that federal, state, local and community partners can work together to prioritize them."

Water activists who petitioned the EPA to get involved in Benton Harbor heralded Tuesday's order as a win.

The order is "exactly what is needed to begin addressing Benton Harbor's long-term water problems," said Cyndi Roper, a senior Michigan advocate with the Natural Resources Defense Council.

"The bottom line is, there have been decades of disinvestment that have left residents of Benton Harbor with a grossly inadequate water system," Roper said.

In the weeks since a host of local and national groups petitioned the EPA, Michigan regulators have dramatically ramped up their response in Benton Harbor, including offering up free bottled water and advising residents not to drink even filtered tap water until the EPA conducts a study to make sure filters are effective at stripping away lead from Benton Harbor's water.

And following years of little progress toward removing Benton Harbor's lead pipes, state lawmakers and Gov. Gretchen Whitmer last month reached an agreement to dedicate \$10 million toward the project.

Whitmer, vowing to get the city's thousands of lead lines out of the ground by spring of 2023, has called upon the legislature to offer up another \$11.4 million to fully fund the roughly \$30 million project.

Benton Harbor Mayor Marcus Muhammad could not be reached for comment Tuesday afternoon.

In a statement, U.S. Rep. Debbie Dingell applauded the EPA order, calling it "a critical step to protecting Benton Harbor residents."

<https://www.freep.com/story/news/health/2021/11/02/epa-orders-immediate-actions-improve-benton-harbor-water-safety-lead/6255551001/>

EPA orders Benton Harbor take 'immediate actions' to fix lead-tainted drinking water

Keith Matheny

Detroit Free Press

The city of Benton Harbor must take immediate actions to improve the safety and reliability of its lead-tainted drinking water, the U.S. Environmental Protection Agency ordered Tuesday.

The order comes as state and local officials continue to provide Benton Harbor residents with bottled water, and have embarked on a \$30 million project intended to replace the city's thousands of lead service lines within 18 months.

The city's municipal water system has tested for lead levels above the federal action limit of 15 parts per billion since 2018. But it was this September, when a group of 30 environmental and community

organizations appealed to the EPA to intervene in Benton Harbor as the lead problems languished, that state and local response intensified.

In August, the Michigan Department of Environment, Great Lakes and Energy requested the EPA participate in a joint inspection of the Benton Harbor water system to evaluate its compliance with the federal Safe Drinking Water Act. That joint inspection was conducted Sept. 20-27.

Among the findings outlined by the EPA in its administrative order to the city Tuesday:

- After elevated lead levels were first discovered in city water in late 2018, Benton Harbor's water system has since exceeded the federal lead action limit in every six-month testing period, including the most recent period, January to June 2021, when the 90th percentile of samples taken showed 24 parts per billion of lead.
- Despite the elevated lead readings, records show city or water system officials "did not contact the local health department in the 12-month period between August 2020 and August 2021," a violation of reporting requirements under the federal lead and copper rule. City and water system officials also failed reporting requirements to local physician's offices and hospitals, community centers, day care facilities and schools, the inspectors found. Water customers were not provided with information about the elevated lead levels with their quarterly water bills between August 2020 and August 2021, another violation of federal rules.
- The water system failed to adequately monitor the turbidity, or cloudiness from suspended sediments, of water it was intaking from Lake Michigan, as well as residual disinfectant concentrations, such as from chlorine, in the water. It has also not retained records of turbidity, disinfectants and other issues as required.

Among the actions the EPA is requiring from the city:

- To inform consumers when lead action level exceedances are detected in drinking water.
- To improve the applications of chlorine for disinfection and orthophosphate for corrosion control.
- To implement stricter requirements for better monitoring of residual disinfectants and their potentially harmful byproducts.
- To make filter repairs at the treatment plant.
- To use an independent third party to conduct an analysis of alternatives for the long-term operation and maintenance of the city water system.

"The people of Benton Harbor have suffered for too long," EPA Administrator Michael S. Regan said in a statement. "EPA is fully engaged and working to support the community, and today, we are taking a critical next step to ensure that drinking water is safe and reliable."

The findings and recommendations by the EPA are similar to those found in a 2019 administrative consent order between Benton Harbor and EGLE to address deficiencies with the city water system. That state order was amended last year, as the city struggles with some of the required action deadlines because of limited funding and staffing. The EPA order is part of "a joint enforcement approach to maintain consistency of obligations and a better result," stated Michael D. Harris, director of the agency's Enforcement and Compliance Assurance Division for Region 5, which includes Michigan.

U.S. Rep. Debbie Dingell, D-Dearborn, in a statement, praised the EPA's intervention.

"I've heard from too many families about the fear of their children ingesting lead and many already have," she said. "With both federal and state efforts requiring improvement of the city's water system, and with additional investments in replacing lead pipes through the Build Back Better framework, we can act quickly to protect public health and ensure clean drinking water for everyone."

Cyndi Roper, Michigan senior policy advocate for the nonprofit Natural Resources Defense Council, one of the groups that appealed for the EPA's intervention in Benton Harbor in September, applauded the agency's actions Tuesday.

"Bottled water provided by the state is a bridge toward safe water, but the bottom line is decades of disinvestment have left the residents of Benton Harbor with a grossly inadequate water system," she said. "Now we need federal and state lawmakers to come together to secure funding to fix the problems and restore residents' ability to turn on the tap and drink water without fear."

Messages left with Benton Harbor City Manager Ellis Mitchell and Mayor Marcus Muhammad were not returned Tuesday afternoon.

"Chronic underinvestment from our federal and state governments" led to a water system in Benton Harbor "incapable of providing safe drinking water to residents for far too long," said Nicholas Leonard, executive director of the nonprofit Great Lakes Environmental Law Center, which led the petition drive to the EPA.

"It also begs the question: How many other environmental justice communities have public water systems with similar issues but are being ignored?"

EGLE discusses Benton Harbor water plant violations, says report was not punitive

By: Roxie Elliott

Posted: Nov 3, 2021 6:38 PM EDT

BENTON HARBOR, Mich. — Benton Harbor must make significant changes to its water plant immediately, or face fines, after multiple deficiencies were discovered during an inspection.

A joint inspection by the EPA and Michigan EGLE in September prompted an order Tuesday for the city to address its violations of the Safe Water Drinking Act.

“The maintenance of equipment, how it’s calibrated, testing protocols, the treatments they run on the water – a lot of those were found to be lacking,” said Hugh McDiarmid, Communications Manager for Michigan EGLE.

Violations included the water’s chlorine dosing not being properly calculated, overflowing chemical tanks due to a lack of automation and problems with its filters – like broken washer arms, valves and panels at the filters not functioning.

The EPA said the city also failed to notify customers of high levels of lead in certain homes in their water bills.

Mayor Marcus Muhammad responded in a statement, saying, “If criticism, condemnation and recommendations are not accompanied with funding to fix the problem it is mere symbol without substance. A struggling Black community is told what is wrong with it without providing money and help to solve the problem. This is the classic conclusion of systemic racism which is Blame the victim.”

EGLE emphasized the inspection wasn’t punitive and no fines will be issued to the city if they make all the improvements on time.

“We have a coalition working on lead now which includes state agencies, the EPA, our agency, local community groups, the city – we can solve the problems in Benton Harbor’s water permanently,” said McDiarmid.

The city has now been ordered to inform customers of Lead Action Level Exceedances in drinking water, improve its applications of chlorine for disinfecting and orthophosphate for corrosion, make filter repairs and use a third-party to do analysis of long-term alternatives.

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